



**OFFICE OF THE
PREMIER**
CAYMAN ISLANDS GOVERNMENT

Statement on Constitutional talks with the United Kingdom

By Premier Hon. Alden McLaughlin, MBE, JP, MLA

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Mr. Speaker, I rise today to provide the members of this Honourable House and the public an update on Government's efforts to make important and necessary revisions to the Cayman Islands Constitution.

Before doing so Mr. Speaker I will provide some background for the benefit of the public and the members of this House.

We will recall Mr. Speaker that in May this year the House of Commons attached an amendment to the Sanctions and Anti Money Laundering Bill that was making its way through the United Kingdom Parliament. The Bill with the amendment was passed by the Commons and then later by the House of Lords.

This amendment requires the British Overseas Territories, but not the Crown Dependencies, to establish public registers of beneficial ownership, and to do so no later than 31 December, 2020. Failing this, the amendment requires the UK Government to

utilise an Order in Council to change our local legislation to implement a public register of beneficial ownership on our behalf.

Mr. Speaker, I have said many times since the amendment passed in the UK Parliament that the Cayman Islands does not accept that the United Kingdom Parliament has the right to legislate for us when it comes to domestic matters that are devolved to local government. In fact, we view this as constitutional overreach by the UK Parliament – a view that is shared by our constitutional advisors in the UK and also stated by several Law Lords during the debate in the House of Lords in May this year.

Mr. Speaker, this constitutional overreach is concerning; and not just because of the public beneficial ownership issue it is trying to force on us. Mr. Speaker, it is also concerning because with the UK Parliament now believing that it can legislate for us, in a fashion that based on longstanding constitutional conventions it previously accepted that it should not, the Parliament may feel emboldened to do so again in the future on any number of matters that it sees fit. This vote in the Commons in May, Mr. Speaker, represented a line that once crossed cannot be uncrossed.

And so when I was in the UK in May this year I met with both Prime Minister May and David Liddington, Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster; and I also spoke with Lord Ahmad, The Minister of State for the Overseas Territories, on this matter. As a result of those discussions, and subsequent official written requests, the UK Government did agree to engage in constitutional discussions with the Cayman Islands Government. However, a date to begin these talks was awaited.

Mr. Speaker I also had several discussions with the Leader of the Opposition on this matter, and I met with him and a number of the other members of the Opposition about what we were considering in regard to constitutional safeguards. As I had said to this House in June this year, The Government and the Opposition were of one mind in the need for these safeguards and the proposals were supported. I will say again what I said then Mr. Speaker, I am appreciative of that support and for the bipartisanship displayed. It is important that we in this House are fully in agreement on this very important matter.

And Mr. Speaker, I would also remind the House that the Opposition Leader and I met with the Constitution Commissioner to discuss these matters and I received a response from the Commission on these and other subjects. The Attorney General has also provided his feedback on the proposed enhancements to our Constitution.

This House will also recall that the Leader of the Opposition and I held a joint press conference in May where we spoke to this issue and advised the Caymanian public that in the collective view of the Government and the Opposition, there was need for us to request some necessary safeguards and enhancements to our Constitution.

Our goal, and I believe everyone in this House would agree, is to put the Cayman Islands in the best possible position constitutionally to govern our own affairs, to resist constitutional overreach by the UK Government and Parliament, and to continue to thrive and prosper as a modern, progressive and successful democracy. Indeed, I believe that the majority of Caymanians can agree with this. Because of this, we in this House must ensure that local politics take a backseat as we strive to obtain what is best for our country and our people.

As I mentioned in June when I last updated this House, the constitutional safeguards we are striving for are to have aspects of our Constitution clarified to ensure that the Cayman Islands government has autonomous capacity in respect of domestic affairs and that the UK Parliament will not legislate, directly or indirectly, without consultation or, in matters of domestic autonomy, without the consent of the Cayman Islands. This matches the objectives of the 2012 White Paper and endorses its balance between self-determination and the responsibilities of the UK.

And further that it be made clear that the UK's power over international affairs be confined to the enforcement and implementation of clear international obligations of the United Kingdom alone and that it also be made clear that provided the Cayman Islands is not in breach of international standards, the power of internal self-governance is absolute and that the power of disallowance with respect to legislation passed by the Legislative Assembly of the Cayman Islands be removed, as is the case with the Gibraltar Constitution.

So in broad strokes, Mr. Speaker, those are the main measures that we are going to be pressing for in terms of constitutional change to prevent this sort of constitutional overreach from occurring in the future.

These proposals are not intended to secure the Cayman Islands' independence. Nor is it our intention to usurp the UK's proper role in external affairs, or to attain a degree of autonomy beyond the accepted status of the Crown Dependencies and, in respect of some constitutional provisions, of Overseas Territories such as Bermuda and Gibraltar. Instead, we want to ensure that we have autonomous capacity in domestic affairs.

Mr. Speaker, for the past six months we have been in conversation with the UK on beginning constitutional discussions. However, there has been considerable back and forth on how to progress these talks.

I am pleased to confirm to this House and the public that the UK Government has, just last week, agreed to such discussions to be held in London following the conclusion of the Joint Ministerial Council meeting, which will be held 4 - 5 December. The dates proposed are Friday, 7 December, for preliminary discussions, resuming on Monday, 10 December. Discussions will be held at the Foreign and Commonwealth Office on King Charles Street, London.

The Leader of the Opposition and the Deputy Leader of the Opposition have both agreed to be part of Cayman's negotiating team. Also accompanying me will be Government's Constitutional advisor in London, Sir Jeffrey Jowell, QC, as well as Hon. Tara Rivers, Minister for Financial Services and Home Affairs, and the Hon. Samuel Bulgin, QC, Attorney General; both of whom will also attend the JMC meeting.

As this matter progresses, I will keep this House and indeed our country advised. Indeed, I want to reassure this House that before any final safeguards to our Constitution are agreed with the UK, the proposed constitutional revisions will be debated and voted upon in this House.

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1. The first part of the document discusses the importance of maintaining accurate records.

2. It is essential to ensure that all data is properly documented and stored.

3. The second part of the document outlines the procedures for data collection.

4. This section describes the methods used to gather information from various sources.

5. The third part of the document details the analysis of the collected data.

6. It explains how the data is processed and interpreted to draw meaningful conclusions.

7. The fourth part of the document discusses the results of the study.

8. This section presents the findings and discusses their implications for future research.

9. The fifth part of the document concludes the study and provides recommendations.

10. It summarizes the key points and offers suggestions for further investigation.

11. The sixth part of the document provides a list of references.

12. This section lists the sources of information used in the study.

13. The seventh part of the document includes an appendix.

14. This section contains additional information that supports the main text.

15. The eighth part of the document provides a glossary of terms.

16. This section defines the key terms used throughout the document.

17. The ninth part of the document includes a list of figures.

18. This section lists the figures and tables included in the study.

19. The tenth part of the document provides a list of tables.

20. This section lists the tables included in the study.